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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-450

11 **KATHY LOIS RANIERO**
12 **2564 Pioneer Drive**
13 **Oakville, MO 63129**
14 **Registered Nurse License No. 719001**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15 Respondent.

16 **FINDINGS OF FACT**

17 1. On or about February 16, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her
18 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
19 of Consumer Affairs, filed Accusation No. 2012-450 against Kathy Lois Raniero ("Respondent")
20 before the Board of Registered Nursing.

21 2. On or about January 31, 2008, the Board of Registered Nursing ("Board") issued
22 Registered Nurse License No. 719001 to Respondent. The Registered Nurse License expired on
23 October 31, 2009, and has not been renewed. Pursuant to Business and Professions Code sections
24 118, 2764, and 2811, subdivision (b), in conjunction with California Code of Regulations title 16,
25 section 1419.3, this lapse in licensure however, does not deprive the Board of jurisdiction to take
26 disciplinary action against Respondent's license.

27 3. On or about February 16, 2012, Respondent was served by Certified and First Class
28 Mail copies of the Accusation No. 2012-450, Statement to Respondent, Notice of Defense,

1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
2 and 11507.7) at Respondent's address of record which, pursuant to California Code of
3 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
4 Respondent's address on record with the Board was and is:

5 **2564 Pioneer Drive**
6 **Oakville, MO 63129.**

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

9 5. On or about March 7, 2012, the aforementioned documents served on Respondent via
10 Certified Mail were returned by the U.S. Postal Service marked, "Return to Sender, Unable to
11 Forward." On or about March 2, 2012, the aforementioned documents served on Respondent via
12 First Class Mail were returned by the U.S. Postal Service marked, "Return to Sender, Unable to
13 Forward."

14 6. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
22 450.

23 8. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 2012-450, finds
2 that the charges and allegations in Accusation No. 2012-450, are separately and severally, found
3 to be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$570.00 as of March 8, 2012.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Kathy Lois Raniero has
9 subjected her Registered Nurse License No. 719001 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
12 Nurse License based upon the following violations alleged in the Accusation which are supported
13 by the evidence contained in the Default Decision Evidence Packet in this case.:

14 a. **Disciplinary Action by the Missouri Board of Nursing.** Respondent is
15 subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of
16 unprofessional conduct in that Respondent's registered nurse license was disciplined by the
17 Missouri Board of Nursing ("Missouri Board"). On or about March 16, 2009, pursuant to the
18 Consent Order issued by the Missouri Board, in the disciplinary action entitled *Missouri board of*
19 *Nursing v. Kathy Raniero, R.N.*, case number 08-0869 BN, the Missouri Board took disciplinary
20 action against Respondent and accepted the voluntary surrender of her registered nurse license.
21 The basis for the Order that during the week of August 11, 2005, while employed as a registered
22 nurse at Hawthorn Children's Psychiatric Hospital in St. Louis, Missouri, Respondent possessed
23 and smoked marijuana.

24 b. **Unprofessional Conduct.** Respondent is subject to disciplinary action under
25 Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct.
26 The conduct is more particularly described in paragraph 3, subparagraph (a), inclusive, above,
27 and herein incorporated by reference.

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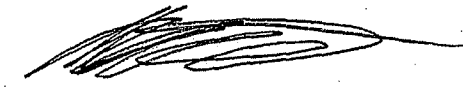
ORDER

IT IS SO ORDERED that Registered Nurse License No. 719001, heretofore issued to Respondent Kathy Lois Raniero, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 6, 2012.

It is so ORDERED July 6, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

60744383.DOC
DOJ Matter ID:LA2011505713

Exhibit A

Accusation Case No. 2012-450

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-450**

11 **KATHY LOIS RANIERO**
12 **2564 Pioneer Drive**
13 **Oakville, MO 63129**
Registered Nurse License No. 719001

ACCUSATION

14 Respondent.

15 Complainant alleges:

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17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about January 31, 2008, the Board of Registered Nursing issued Registered
22 Nurse License Number 719001 to Kathy Lois Raniero ("Respondent"). The Registered Nurse
23 License expired on October 31, 2009, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.
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4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ...”

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Missouri Board of Nursing)

9. Respondent is subject to disciplinary action under Code section 2761, subdivision

1 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was
2 disciplined by the Missouri Board of Nursing ("Missouri Board").

3 10. On or about March 16, 2009, pursuant to the Consent Order issued by the Missouri
4 Board, in the disciplinary action entitled *Missouri board of Nursing v. Kathy Raniero, R.N.*, case
5 number 08-0869 BN, the Missouri Board took disciplinary action against Respondent and
6 accepted the voluntary surrender of her registered nurse license. The basis for the Order is as
7 follows:

8 11. On or about the week of August 11, 2005, while employed as a registered nurse at
9 Hawthorn Children's Psychiatric Hospital in St. Louis, Missouri, Respondent possessed and
10 smoked marijuana.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
14 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
15 particularly described in paragraphs 9 through 11, inclusive, above, and herein incorporated by
16 reference.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:


20 1. Revoking or suspending Registered Nurse License Number 719001, issued to Kathy
21 Lois Raniero;

22 2. Ordering Kathy Lois Raniero to pay the Board of Registered Nursing the reasonable
23 costs of the investigation and enforcement of this case, pursuant to Business and Professions
24 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: February 16, 2012 
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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